

## SENATE BILL No. 310

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-6.1-6-18; IC 31-9-2-112.5; IC 31-10-2-1; IC 31-37; IC 31-39-2-16.

**Synopsis:** Restorative justice. Provides that a school corporation may allow a teacher to participate, without loss of pay or benefits, in a family group conference conducted through a restorative justice program under certain circumstances. Specifies that a juvenile court may require, as part of: (1) a program of informal adjustment; or (2) a dispositional decree; that a delinquent child who has committed an act that would be a crime if committed by an adult participate in a restorative justice program.

**Effective:** July 1, 2004.

**Clark**

January 12, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 310

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-6.1-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 18. The governing body and each administrator of a school corporation that employs a teacher may provide the teacher with a reasonable opportunity to participate, without loss of pay or benefits, in family group conferences and related training sessions that:**

- (1) promote restorative justice (as defined in IC 31-9-2-112.5);**
- (2) involve a child who was or is the teacher's student; and**
- (3) are conducted in conformity with a plan that:**
  - (A) was developed under IC 31-37-24;**
  - (B) is approved by the governing body of the school corporation that employs the teacher; and**
  - (C) encourages the involvement of a child's teachers in family group conferences conducted through a restorative justice program.**

SECTION 2. IC 31-9-2-112.5 IS ADDED TO THE INDIANA



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CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2004]: **Sec. 112.5. "Restorative justice", for purposes of the juvenile law, means a community based effort that:**

**(1) is focused on a delinquent child who has committed an act that would be a crime if committed by an adult; and**

**(2) has the goal of:**

**(A) requiring the delinquent child to acknowledge the delinquent child's wrongdoing;**

**(B) in appropriate cases, making reparations to the victim and the community; and**

**(C) maximizing the participation of the delinquent child, victim, and members of the community in an effort to:**

**(i) prevent further delinquent acts and crime; and**

**(ii) restore the victim and the community, after a delinquent act has occurred, to a condition as close as possible to the condition of the victim and the community before the delinquent act occurred.**

SECTION 3. IC 31-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.** It is the policy of this state and the purpose of this title to:

**(1) recognize the importance of family and children in our society;**

**(2) recognize the responsibility of the state to enhance the viability of children and family in our society;**

**(3) acknowledge the responsibility each person owes to the other;**

**(4) strengthen family life by assisting parents to fulfill their parental obligations;**

**(5) ensure that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation;**

**(6) remove children from families only when it is in the child's best interest or in the best interest of public safety;**

**(7) provide for adoption as a viable permanency plan for children who are adjudicated children in need of services;**

**(8) provide a juvenile justice system that: ~~protects the public by enforcing the legal obligations that children have to society and society has to children;~~**

**(A) recognizes that crime is most often an injury to an individual and a community; and**

**(B) creates an obligation on the child to make amends when possible;**

**(9) use diversionary programs when appropriate;**

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(10) provide a judicial procedure that:

(A) ensures fair hearings;

(B) recognizes and enforces the legal rights of children and their parents; and

(C) recognizes and enforces the accountability of children and parents;

(11) promote public safety and individual accountability by the imposition of appropriate sanctions; ~~and~~

(12) provide a continuum of services developed in a cooperative effort by local governments and the state; ~~and~~

**(13) involve in restorative justice programs, when appropriate, delinquent children who have committed acts that would be crimes if committed by an adult.**

SECTION 4. IC 31-37-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child. **If the officer has probable cause to believe that the child has committed a delinquent act that would be a crime if committed by an adult, the program of informal adjustment may include participation in restorative justice programs.**

SECTION 5. IC 31-37-17-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

(1) may; or

(2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a delinquent child.

(b) A conference held under this chapter may include representatives of the following:

(1) The child's school.

(2) The probation department.

(3) The county office of family and children.

(4) A community mental health center located in the child's county of residence.

(5) A community mental retardation and other developmental disabilities center located in the child's county of residence.

**(6) Persons who are appropriate to participate in family group conferences with the child through a restorative justice program, including the victim and the child's coworkers,**

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**family, and teachers.**

(7) Other persons as the court may direct.

SECTION 6. IC 31-37-19-5, AS AMENDED BY P.L.116-2002, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

(A) the probation department; or

(B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall, after a determination under IC 5-2-12-4, require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 5-2-12-4 if committed by an adult to register with the sheriff (or the police chief of a consolidated city) under IC 5-2-12.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing **or through another mediated process authorized by the court.**

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

**(9) Order the child to participate in restorative justice programs.**

SECTION 7. IC 31-37-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. **(a)** The objectives of a plan developed under this chapter include the following:

(1) Promoting the welfare of children and self sufficiency of

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families with children at risk of abuse or neglect, dependency, or delinquency, as defined or described in this chapter.

(2) Preventing or reducing the number of cases of child abuse, delinquency, or neglect that may require juvenile court intervention.

(3) Coordinating available resources to promote efficiency and avoid duplication of programs and services.

(4) Reducing or minimizing the cost of providing services to children and families with children who are or may become delinquent children.

(5) Reducing or eliminating to the extent possible the need to remove children from their parents, guardians, or custodians for foster home care or institutional placement.

**(b) If authorized by the juvenile court, the plan may include components to promote restorative justice, including necessary training for participants in restorative justice programs.**

SECTION 8. IC 31-37-24-14, AS AMENDED BY P.L.273-1999, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

(1) Develop, review, or revise a strategy that identifies:

(A) the manner in which prevention and early intervention services will be provided or improved;

(B) how local collaboration will improve children's services; and

(C) how different funds can be used to serve children and families more effectively.

(2) Reorganize as needed and select its vice chairperson for the ensuing year.

(3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.

**(4) If the juvenile court authorizes the plan to include restorative justice components, improve the plan to promote restorative justice.**

(5) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are,

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1 in the chairperson's or vice chairperson's opinion, necessary or  
2 appropriate.

3 SECTION 9. IC 31-39-2-16 IS ADDED TO THE INDIANA CODE  
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2004]: **Sec. 16. The juvenile court may grant a participant in a**  
6 **restorative justice program involving a child or the child's family**  
7 **access to the juvenile court records on the child and the child's**  
8 **family.**

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